

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIM. NO. 07–**
v. : **DATE FILED: February 6, 2007**
LEAH GUERRIER : **VIOLATION:**
: **18 U.S.C. § 1344 (bank fraud–1 count)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant LEAH GUERRIER was an employee of Commerce Bank.
2. As a Commerce Bank employee, defendant LEAH GUERRIER was trained on posting credits to accounts. One type of credit, called “provisional credit,” reflected funds deposited to an account but not yet cleared. Defendant GUERRIER was also given the access information that allowed her to post a provisional credit to any account, including her own Commerce Bank personal checking account.
3. Commerce Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, under number 21140-1.
4. From in or about in July 2006 through in or about August 11, 2006, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

LEAH GUERRIER

knowingly executed, and attempted to execute, a scheme to defraud Commerce Bank and to

obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

5. Defendant LEAH GUERRIER devised a scheme to embezzle money and to change Commerce Bank records to hide her theft.

6. As part of the scheme, defendant LEAH GUERRIER repeatedly posted provisional credits to her personal checking account, that is, made it appear that a deposit had been made into her personal account at Commerce Bank when it had not, and that she had more money in her account than she actually had.

7. Once such a credit had been posted, defendant LEAH GUERRIER then made debit purchases against the provisional credit that she had posted to her account. A “debit purchase” is one in which money is immediately withdrawn from the bank and charged against the individual’s account at the bank that has issued the debit card to a depositor.

8. By this mechanism, defendant LEAH GUERRIER posted to her Commerce Bank account provisional credits of just over \$26,000.

9. As a result of the execution of this scheme, defendant LEAH GUERRIER made purchases against the fraudulently posted provisional credits she posted to her Commerce Bank personal checking account and defrauded Commerce bank of approximately \$10,900.

In violation of Title 18, United States Code, Section 1344.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 1344, set forth in this indictment, defendant

LEAH GUERRIER

shall forfeit to the United States of America any property that constitutes, or is derived from, proceeds obtained directly or indirectly from the commission of such offense, including, but not limited to, the sum of approximately \$10,900.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY